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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,620	06/25/2003	Kazuo Okada	239447US2	2512
22850	7590	03/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SNV

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,620	<b>Applicant(s)</b> OKADA, KAZUO	
	<b>Examiner</b> Kim Nguyen	<b>Art Unit</b> 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/9/04 &amp; 12/29/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Examiner acknowledges receipts of the amendments on 12/3/04 and 11/4/04. According to the amendments, claims 9-14 have been added, and claims 1-14 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al (US 2002/0175466).

a. As per claim 1 and 13, Loose discloses a gaming apparatus comprising a variable display unit 12a (Fig. 2a); a front side display unit 14a (Fig. 2a); and a concealing unit (the shade in paragraph 0026). Loose does not explicitly disclose temporarily concealing the display of the variable display unit. However, Loose discloses that the shade can be retracted or extended to display or shield the reels (last 10 lines of paragraph 0026) during a progression of a game consisting of the basic and the bonus game. It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to temporarily shield the display unit by extending the shade of Loose in order to hide a game image from the player.

b. As per claim 2-3, Loose discloses the capability of adjusting the appearance of the underlying image (paragraphs 0025-0026). Further, using a shutter for concealing a part of an underlying object would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a shutter in the game apparatus to control the appearance of the variable display unit of Loose, since using a specific material to conceal an object requires only routine skill in the art.

c. As per claim 4-7, Loose discloses a liquid crystal display panel (paragraph 0014). Loose also discloses using an extendable non-transparent material (paragraph 0026). Further, selecting a slidable non-transparent material for dynamically conceal different positions of a object would have been well known to a person of ordinary skill in the art at the time the invention was made.

d. As per claim 14, Loose discloses displaying award on the display (paragraph 0020), and displaying payout values (paragraph 0013). Further, using a winning prize determiner for determining an internally prize would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in

the art at the time the invention was made to include a well-known determiner to the gaming machine in order to determine win outcome and payout.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al (US 2002/0175466) in view of Ozaki et al (US 2001/0031658).

a. As per claim 8, including stoppers for stopping the variable display unit in a reel slot machine would have been well known as taught by Ozaki (paragraph 0063). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the well known stoppers to the game machine of Loose in order to allow the player to stop individual reel to convince the player that the player himself selects the outcome.

b. As per claim 9-10, Ozaki discloses a non-transparent sheet with an area covering the rear side of the front side display unit and an area having a hole of a prescribed shape (paragraph 0045).

4. Claim 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al (US 2002/0175466) in view of Minoru (JP-08-173591).

As per claim 11-12, Minoru discloses a non-transparent sheet capable of rolling upward and downward over an area of the display (paragraphs 0012-0013 and 0023). It would have been obvious to a person of ordinary skill in the

art at the time the invention was made to implement the non-transparent sheet of Minoru to the game apparatus of Loose in order to facilitate changing covering display images in different rolling patterns.

### ***Response to Arguments***

5. Applicant's arguments filed 12/3/04 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 7, second paragraph, since fig. 2a of Loose does not number the conceal unit, the examiner just use item 14a for showing the appropriate position of the shade disclosed in paragraph 0026. The shade taught by Loose read on the conceal unit disclosed in claim 1. Further, independent claims do not explicitly disclose or define a "basic slot game". A game progressed through different stages from a primary stage to the bonus stage is considered by the examiner as one basic slot game.

b) In response to applicant's argument in page 8, second paragraph, implementing stoppers to a slot reel game machine would have been well known. This well-known feature is clearly supported by Ozaki et al (US 2001/0031658). Citing reference of Ozaki et al for supporting the examiner's assertion does not mean changing ground of rejection.

c) With respect to claims 9-14, refer to discussion in section 35 USC 103 rejections above.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark  
"EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II,  
Arlington, VA Second Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

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Date: March 5, 2005

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen  
Primary Examiner  
Art Unit 3713